

City of Memphis Section 16-91. Lead Emission Standards  
(Shelby County Section 3-29. Lead Emission Standards)

- (a) For the purpose of enforcement of the lead emissions standards, Chapter 1200-3-22 of the Tennessee Air Pollution Control Regulations, as effective on January 1, 1998, is hereby adopted by reference as a portion of this Code. Such regulations and/or all such additions, deletions, changes and amendments as may subsequently be made shall become a part of this code and shall have the same effect as if set out in full herein. Additionally, the following language is adopted into this Code.
- (b) (See NOTE) The RACT emission level specified as permit conditions on the operating permit(s) in paragraph (1) of Rule 1200-3-22-.03, adopted by reference in (a) above, must be submitted, reviewed and approved by the Administrator of the Environmental Protection Agency or his designee.

**NOTE:** This language is applicable in the City of Memphis and in Shelby County and all other Shelby County municipalities in accordance with City of Memphis Ordinance Number 4636, effective January 7, 1999 and in accordance with Shelby County Ordinance Number 203, effective September 18, 1998. The above adoptive language is also listed under 1200-3-22-.03(1) of this Memphis and Shelby County Code and is noted there as **M&SC LOCAL CODE REQUIREMENT**.

(City of Memphis Ord. No. 4320, effective 6-7-95; Shelby County Ord. No. 159, effective 5-14-95. Amended by City of Memphis Ord. No. 4636, effective 1-7-99; amended by Shelby County Ord. No. 203, effective 9-18-98. Pursuant to T.C.A. 68-201-115.)



RULES  
OF THE  
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
BUREAU OF ENVIRONMENT  
DIVISION OF AIR POLLUTION CONTROL

CHAPTER 1200-3-22

LEAD EMISSIONS STANDARDS

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**1200-3-22-.01        DEFINITIONS.**

Unless specifically defined in this Chapter, the definitions from Chapter 1200-3-2 will apply:

- (1) "Significant source of lead" means:
  - (a) Any one permit unit, or combination of permit units as determined by the Technical Secretary, at any of the following stationary sources that emit lead or lead compounds (measured as elemental lead) of at least 1.25 tons per calendar quarter or at least five (5) tons per year whichever is the more restrictive: primary lead smelters, secondary lead smelters, primary copper smelters, lead gasoline additive plants, lead-acid storage battery manufacturing plants that produce 2000 or more batteries per day.
  - (b) Notwithstanding the source sizes specified in subparagraph (a) of this paragraph, any other stationary source that emits 25 or more tons per year of lead or lead compounds measured as elemental lead.
- (2) "Source" means any structure, building, facility, equipment, installation, or operation (or combination thereof) which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control). If a portion(s) of a source is rented to or leased to another person(s) for the purpose of a totally separate business venture, the Technical Secretary may designate that (those) portion(s) as a separate source(s).
- (3) "Permit unit" means any part of a source required to obtain an operating permit as determined by the Technical Secretary.
- (4) "Lead point source" means:
  - (a) Any source the actual emissions of which are in excess of 5.0 tons per year of lead or lead compounds measured as elemental lead.
  - (b) Any physical change that would occur at a source not otherwise qualifying under subparagraph (4)(a) as a lead point source if the increase in lead emissions due to a change is in excess of 5.0 tons per year of lead or lead compounds measured as elemental lead.

Authority: T.C.A. §§68-201-105 and 4-5-202. Administrative History: Original rule filed November 5, 1984; effective December 5, 1984. Amendment filed September 21, 1988; effective November 6, 1988.



**1200-3-22-.02        GENERAL LEAD EMISSION STANDARDS.**

- (1) No person shall cause, suffer, allow, or permit lead emissions in excess of the standards in this Chapter.
- (2) Upon mutual agreement of the owner or operator of a significant source of lead and the Technical Secretary, an emission limit more restrictive than that otherwise specified in this Chapter may be established. Also, upon mutual agreement of the owner or operator of any source and the Technical Secretary, operating hours, process flow rates, or any other operating parameters may be established as a binding limit(s). The mutually acceptable limits shall be stated as a special condition(s) for any permit or order concerning the source. Violation of any accepted special limitations is grounds for revocation of the issued permit and/or other enforcement measures provided for in the Tennessee Air Quality Act.

Authority: T.C.A. §§68-201-105 and 4-5-202. Administrative History: Original rule filed November 5, 1984; effective December 5, 1984.





- (1) For an existing source that is a significant source of lead, the Technical Secretary shall specify on the operating permit(s) as permit conditions the emission level that is reasonably available control technology (RACT). The RACT emission level specified as permit conditions on the operating permit(s) must be submitted, reviewed and approved by the Administrator of the Environmental Protection Agency or his designee. (See NOTE 1)

**NOTE 1:** The second sentence of paragraph (1) above was added by the State effective January 26, 2000. It has the same effect and meaning as the following M&SC LOCAL CODE REQUIREMENT. The two are to be read as if there is only one.

**M&SC LOCAL CODE REQUIREMENT:** (See NOTE 2) The RACT emission level specified as permit conditions on the operating permit(s) in paragraph (1) of Rule 1200-3-22-.03, adopted by reference in (a) above, must be submitted, reviewed and approved by the Administrator of the Environmental Protection Agency or his designee.

**NOTE 2:** This language is applicable in the City of Memphis and in Shelby County and all other Shelby County municipalities in accordance with City of Memphis Ordinance Number 4636, effective January 7, 1999, and in accordance with Shelby County Ordinance Number 203, effective September 18, 1998. The phrase "adopted by reference in (a) above" refers to paragraph (a) on the adopt-by-reference page that precedes the Table of Contents in this Chapter.

- (2) The possession of a valid permit shall not protect the source from enforcement actions if permit conditions are not met.

Authority: T.C.A. §§68-201-105 and 4-5-202. Administrative History: Original rule filed November 5, 1984; effective December 5, 1984. Amendment filed November 12, 1999; effective January 26, 2000.



- (1) A new source the actual emissions of which are in excess of 5.0 tons per year of lead or lead compounds measured as elemental lead shall utilize best available control technology (BACT).
- (2) Any modification of a lead point source which results in an increase of 0.6 tons per year of lead or lead compounds measured as elemental lead shall utilize BACT.
- (3) The owner or operator of a proposed new or modified source of lead shall perform a source impact analysis to demonstrate that the allowable emission increases from the proposed source or modification would not cause or contribute to a violation of the lead ambient air quality standard in the source impact area including background concentrations. Source impact analysis shall be based on the applicable air quality models and databases acceptable to the Technical Secretary.
- (4) Additional requirements for certain new or modified sources of lead are given in Paragraph 1200-3-9-.01(4), Prevention of Significant Deterioration and in Chapter 1200-3-16, New Source Performance Standards, of these regulations.

Authority: T.C.A. §§68-201-105 and 4-5-202. Administrative History: Original rule filed November 5, 1984; effective December 5, 1984. Amendment filed September 21, 1988; effective November 6, 1988.



**1200-3-22-.05        SOURCE SAMPLING AND ANALYSIS.**

Source sampling and analysis for lead shall be conducted in the manner prescribed in Subparagraph 1200-3-12-.03(1)(10) of these regulations.

Authority: T.C.A. §§68-201-105 and 4-5-202. Administrative History: Original rule filed November 5, 1984; effective December 5, 1984.



**1200-3-22-.06        LEAD AMBIENT MONITORING REQUIREMENTS.**

The Technical Secretary may require ambient lead monitoring in the vicinity of a source regulated by this Chapter 1200-3-22. This monitoring shall be done in accordance with the requirements of Rule 1200-3-12-.02 of these regulations.

Authority: T.C.A. §§ 68-201-105 and 4-5-202. Administrative History: Original rule filed November 5, 1984; effective December 5, 1984.

